

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILD FISH CONSERVANCY,

Plaintiff,

v.

BARRY THOM, et al.,

Defendants,

and

ALASKA TROLLERS
ASSOCIATION,

Defendant-Intervenor.

Case No. C20-417-RAJ-MLP

ORDER GRANTING MOTION FOR
EXTENSION AND LEAVE TO
LODGE ADMINISTRATIVE RECORD
OUTSIDE OF CM/ECF

This matter is before the Court on Defendants’ Motion for Extension on Administrative Record (“AR”) and Leave to Lodge the Record in this matter outside CM/ECF (“Defendants’ Motion”). (Dkt. # 48.) Defendants request that they be given until June 15, 2020, to file the AR in this matter. (*Id.* at 1.) Defendants additionally request that they be allowed to electronically file the AR with the Court—which Defendants estimate will contain approximately 2.5 gigabytes of data and more than 500 documents, not including the hyperlinked index —instead of on CM/ECF and that they only be required to file the indices to the AR on CM/ECF. (*Id.* at 2-3.)

1 Plaintiff does not oppose either of Defendants' requests. (Dkt. # 49 at 1.) However,
 2 Plaintiff requests that this Court's Order on Defendants' Motion additionally require that: (1)
 3 Defendants provide electronic copies of the AR to Plaintiff and Defendant-Intervenor on June
 4 15, 2020; and (2) the parties confer and jointly file statements on proposed briefing schedules for
 5 dispositive motion practice within 14 days of submission of the AR. (*Id.* at 2-3.)

6 This matter was previously stipulated by the parties as an action seeking review of a final
 7 decision by an administrative agency. (*See* Dkt. ## 16, 31.) Consequently, under Local Rule
 8 79(h), Defendants were required to file the AR with their Answer on May 22, 2020, absent a
 9 showing of good cause warranting an extension.¹ *See* LCR 79(h). Additionally, on May 28,
 10 2020, Defendants' counsel represented at oral argument that although Defendants were raising
 11 the Magnuson-Stevens Act's 30-day limitation for judicial review, 16 U.S.C. § 1855(f), as a
 12 defense to Plaintiff's Motion for Preliminary Injunction (dkt. # 14), Defendants were not
 13 required to file the AR in accordance with the deadline specified in the Magnuson-Stevens Act.
 14 (Dkt. ## 47, 48 at 2, 50 at 2.) However, Defendants' counsel now indicates his failure to timely
 15 seek an extension was due to "an oversight." (Dkt. # 48 at 2.)

16 This Court has since agreed with Defendants that § 1855(f) is applicable to this matter,
 17 and therefore, the AR was due on May 7, 2020. (*See* Dkt. # 9 at 8 (Secretary of Commerce was
 18 served on March 23, 2020); 16 U.S.C. § 1855(f)(3)(B) (AR due 45 days after service on the
 19 Secretary of Commerce).) However, because the applicability of the Magnuson-Stevens Act was
 20 previously in dispute, this Court finds good cause to extend Defendants' time to file the AR to
 21 June 15, 2020.

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 23 ¹ There is some discrepancy as to what date the AR was due in this matter. Under 16 U.S.C.
 § 1855(f)(3)(B), the AR was due on May 2, 2020, 45 days after service on the Secretary of Commerce.
 Pursuant to Local Rule 79(h), the AR was due on May 22, 2020 with Defendants' Answer.

1 Having considered Defendant's Motion, and Plaintiff's lack of opposition, it is hereby
2 ORDERED that:

3 (1) Defendants have until June 15, 2020, to file the AR;

4 (2) Defendants shall provide an electronic copy of the AR with the Court, instead of on
5 CM/ECF, and are only required to file the indices to the AR through CM/ECF.

6 Electronic copies of the AR must be provided to Plaintiff's counsel and
7 Defendant-Intervenor's counsel on June 15, 2020;

8 (3) The Court reserves the right to modify this Order if the Court is unable to access the
9 electronic copy of the AR Defendants provide to the Court; and

10 (4) The parties must confer and jointly file statements on proposed briefing schedules for
11 dispositive motion practice within 14 days of submission of the AR.

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13 Dated this 9th day of June, 2020.

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15 MICHELLE L. PETERSON
16 United States Magistrate Judge
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